REMARKS

Claims 1-69 are pending. Independent claims 1, 22, 44, 63, and 67 were rejected under 35 U.S.C. 103(a) as being anticipated by Yamazaki (USP 6,205,145) in view of Black (USP 6,614,796). Claims 6-16, 24-36, and 54-62 were objected to as being dependent upon a rejected base claim, but would be allowable if amended to incorporate base and intervening limitations. The allowability of claims 6-16, 24-36, and 54-62 is gratefully acknowledged.

Yamazaki describes "The address header producing section 141 converts the DID (which is "4" in the instant embodiment) of the termination node N4 into an address header to be transmitted to the ATM switch device 160, in accordance with a predetermined algorithm, and instructs the output buffer requirement control section 144 to start operation. The output buffer requirement control section 144 checks, through the congestion control bus 180, status of the output buffer 130 of the fibre channel port section 103 associated with the termination node N4. If the output buffer 130 were found to be usable, the output buffer requirement control section 144 causes the frame division control section 143 to start." (Column 10, lines 14-25)

Black describes a buffered Fibre Channel Arbitrated Loop (FCAL) switch. The FCAL switch uses "the normal flow control primitives of the FCAL protocol for hold back purposes to eliminate the need for large buffer memories." (Column 5, Lines 42-50) Black also describes an alternate mode of operation, where the FCAL switch uses "buffers instead of hold back flow control to complete the transaction to busy remote ports." (Column 6, Lines 1-5) "In some species, a single shared buffer or multiple shared buffers on the backplane or in some central location may be used." (Column 6, Lines 27-29) That is, Black only describes using normal flow control primitives of the FCAL protocol for hold back purposes or using buffers instead of hold back flow.

By contrast, independent claims 1, 63, and 67 explicitly recite "sending a first instruction from the network switch to the first intermediate switch to control traffic from the source node to the destination node." The Examiner relies on Yamazaki to teach or suggest this recitation. However, Yamazaki does not teach or suggest this recitation. Black also does not teach or suggest this recitation as explained in the previous Office Action Response. Independent claims 22 and 44 also include elements not taught or suggested in Black. Claim 22 recites receiving a second frame from a "second intermediate node", "wherein the second frame includes

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instructions to adjust the current allowed rate from the first end node to the second end node." Claim 44 recites a "filter configured to receive data from the first queue and determine whether transmission of the data should be delayed based on information received from the second external node."
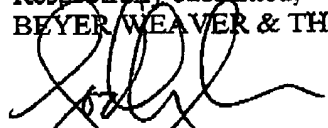
Yamazaki is believed to only describe congestion control within a single switch on a congestion control bus. "After the cell header removing control section 151 finishes storing a final cell in the output buffer 130, the cell header removing control section 151 instructs the output buffer status flag control section 170 through the congestion control bus 180 to release the output buffer 130." (Column 12, Lines 5-9) The congestion control bus 180 is believed to operated entirely locally within a switch, without receiving any instruction from any other switch. No instruction is sent from a "network switch to a first intermediate switch." No instruction is sent to the "intermediate switch to control traffic from the source node to the destination node." Furthermore, no second frame is received from a second intermediate node "wherein the second frame includes instructions to adjust the current allowed rate." In the same manner, no filter is configured to "to receive data from the first queue and determine whether transmission of the data should be delayed based on information received from the second external node."

Consequently, it is respectfully submitted that Black does not teach or suggest all of the elements of independent claims 1, 22, 44, 63, and 67 including "sending a first instruction from the network switch to the first intermediate switch to control traffic from the source node to the destination node."

The material the Examiner cites only describes a crossbar switch having various timeslots for transmitting data. No mention is made to any instruction received from a second intermediate node or any instruction from a second intermediate node to adjust the current allowed rate. The material the Examiner cites only describes LUTs or what is believed to be lookup tables used to stored addresses. No mention is made to any delaying of data based on information received from a "second external node." As noted above, Black only describes using buffers or normal primitives of the FCAL protocol to perform flow control. Using normal primitives of the FCAL protocol or using buffers does not involve receiving an instruction from a second intermediate node or delaying based on information received from a second external node.

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In light of the above remarks relating to independent claims the remaining dependent claims are believed allowable for at least the reasons noted above. Applicants believe that all pending claims are allowable. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Godfrey K. Kwan
Reg. No. 46,850

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100

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